

RECEIVED 10/10/08
CENTRAL FAX CENTER
OCT 10 2008



Fax Cover Sheet

ORIGINAL WILL NOT BE SENT

Date: October 10, 2008 **Pages (Including Cover Page):** 11
To: Commissioner for Patents
UNITED STATES PATENT AND TRADEMARK OFFICE
Fax: 571-273-8300

From: Edward Levine
15407 McGinty Road West
Wayzata, MN 55391-2399
E-mail: Edward_Levine@Cargill.com
Fax : (952) 249-4374
Phone : (952) 742-0144

If you do not receive all of the pages please contact Edward Levine at (952) 742-0144

I hereby certify that the following correspondence is being facsimile transmitted to the USPTO on the date shown below;

Correspondence relating to this application is enclosed as follows:

1. Amendment and Response (9 pages); and
2. Transmittal Form (one page).

10 October 2008
Date


Signed by: Natalie Reynolds

Confidentiality Note: The information contained in this facsimile transmission is intended only for the personal and confidential use of the individual(s) or entity(ies) named above, and may include material that is privileged and confidential. Any dissemination, distribution, or copying of this transmittal is strictly prohibited. If you have received this transmittal in error, please notify us immediately by telephone ((952) 742-2571) and return the original transmittal to us by mail. Thank you.

OCT 10 2008

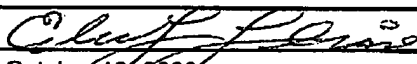
PTO/SB/21 (08-03)

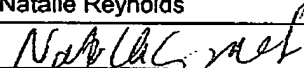
Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/820899
		Filing Date	April 8, 2004
		First Named Inventor	Sweeney, John F
		Art Unit	1794
		Examiner Name	Leslie Wong
Total Number of Pages in This Submission		Attorney Docket Number	CGL03/0131US01

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, attached PTO 1449, and _____ references <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
		Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual name	Edward Levine, Reg. No. 28,097 Cargill, Incorporated
Signature	
Date	October 10, 2008

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Natalie Reynolds		
Signature		Date	October 10, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

#2111142

OCT 10 2008

38550

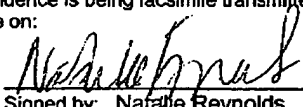
Customer Number

Patent
Case No.: CGL03/0131US01**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Sweeney, John F
Application No.: 10/820899 Group Art Unit: 1794
Filed: April 8, 2004 Examiner: Leslie Wong
Title: PELLET SYSTEMS FOR PREPARING BEVERAGES

Amendment and Response

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>CERTIFICATE OF TRANSMISSION</u>	
To Fax No.: 571-273-8300	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:	
October 10, 2008	
Date	Signed by: Natalie Reynolds

Dear Sir:

In response to the outstanding Office Action, mailed July 21, 2008, the following Amendments and Remarks are submitted for consideration. Although no fees are believed to be involved with this submittal, in the event there are any fees due, or any overpayment to be credited, please charge or credit Deposit Account No. 50-2342.

Listing of Claims:

1. (Cancelled)
2. (Previously Amended) The article of claim 49, wherein said first frozen pellets further comprise a cream fluid.
3. (Previously Amended) The article of claim 49, wherein the combined amount of said cream fluid and said milk fluid is from about 62% to about 90% by weight of said first frozen pellets.
4. (Original) The article of claim 3, wherein the combined amount of said cream fluid and said milk fluid is from about 80% to about 87% by weight of said first frozen pellets.